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09/714,207	11/17/2000	Yonatan Pesach Stern	O02/6	5096

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EXAMINER

TRAN, QUOC A

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,207

Applicant(s)

STERN ET AL.

Examiner

Quoc A. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-19 and 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-19 and 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is responsive to communications: Amendment filed 08/04/2005, to the original application filed 11/17/2000, which claims benefit of 60/211,976 filed 06/16/2000.
2. Claims 1-4, 7-19 and 21-38 are currently pending in this application. Applicants amended independent claims 1, 19 and 23-25. Claims 1, 19 and 23-25 are independent claims.

Response to Arguments

3. Applicant's arguments with respect to claim 1-4, 7-19 and 21-38 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Regarding to Applicant's arguments directed toward the un-amended claims (i.e. dependent claims 2-4, 7-18, 21-22 and 26-38). It is noted, that Ferrel '082 in view of Fitzsimons '189, fairly teach and/or suggest the claims' limitations.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Independent claims 1-4, 7-19 and 21-38** are rejected under 35 U.S.C. 103(a) as being unpatentable by Ferrel et al. US006199082B1- filed 07/17/1995 (hereinafter Ferrel '082), in

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view of Fitzsimons et al. US006708189B1- filed 03/27/2000 (hereinafter Fitzsimons '189), further in view of Wyler US 20050055420A1- Provisional application No. 60/179,532 filed 02/01/2000 (hereinafter Wyler '420).

In regard to independent claims 1, a method for automatic publishing data (as taught by Ferrel '082 at col. 1, lines 54-55),

in a final publication format, wherein the data is in the form of the newspaper having a plurality of pages (as taught by Ferrel '082 at col. 7, lines 60-65),

each page having a predetermined layout comprising a plurality of data blocks, each block having an internal structure (as taught by Ferrel '082 at col. 22, lines 25-35),

and there being logical relationship between said blocks (as taught by Ferrel '082 at col. 21, lines 45-55, The front page section 430 contains a page 434 which has a picture control 436, and a set of static story controls: a first story control 438, a second story control 440, and a third story control 442. Each static story control or picture control is linked at publication time to just one object control is linked at publication time to just one object) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein logical relationship between said blocks would have been an obvious variant of automatic detection for an appropriate style and the predetermined layout would have been an obvious variant of Each static story control or picture control is linked at publication time to just one object control is linked at publication time to just one object to a person of ordinary skill in the art at the time the invention was made,

the method comprising: analyzing the data to decompose the layout of each page of the newspaper (as taught by Ferrel '082 at col. 30, lines 40-45),

into said plurality of blocks (as taught by Ferrel '082 at col. 61, lines 8-20, illustrated in FIG. 18a and FIG. 18b the diagram of view block table and view blocks),

representing an objects (as taught by Ferrel '082 at col. 22, lines 25-35, as also shown in FIG. 8, the business section 432 contains a first page 444 and a second page 446. The page 444 has a single static story control 448, a single picture control 450, wherein each element control linking to other object, which could interpreted as claimed),

said analyzing further comprising parsing said data to determine said logical relationships of said data between said blocks (as taught by Ferrel '082 at col. 30, lines 40-50, Sections provide logical breaks in a publication. For example, sections can represent the different parts of a newspaper: Front page, Sports, Lifestyles, and so forth. Sections also play an important role in the composing and navigation features of the MPS Multimedia Publishing System), Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein logical relationship between said blocks would have been an obvious variant of logical breaks in a publication. For example, sections can represent the different parts of a newspaper: Front page, Sports, Lifestyles, and so forth to a person of ordinary skill in the art at the time the invention was made;

Ferrel '082 does not explicitly teach, **converting each object to an internal publication format, said format identifying said internal structure**, however (as taught by Fitzsimons '189 at col. 7, lines 20-25, still another object of the present invention is to provide for publication in a newspaper, wherein the hot file is to be stored as a parsed file under XML, the formatting which has been filtered from the source file is inserted into the QuarkXPress file

(e.g. XML file) as mark-up language, then Then QuarkXPress file may be directly converted into a destination specific file type and vice versa, which could interpreted as claimed);

and rendering said internal publication format to incorporate said objects, said logical relationships between objects, and respective internal structures in the final publication format, however (as taught by Fitzsimons '189 at col. 13, lines 10-15).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the newspaper automatic publication method that taught in Ferrel '082, to include a means of converting each object to an internal publication format, said format identifying said internal structure and rendering said internal publication format to incorporate said objects, said logical relationships between objects, and respective internal structures in the final publication format of Fitzsimons '189. One of ordinary skill in the art would have been motivated to modify this combination to provide the advantages of online publication with an automatic synthesize and prioritize content based on different consumer preferences and maximize time and human labor (as taught by Ferrel '082 at col. 1, lines 54-56 and col. 2, lines 50-55).

Ferrel '082 and Fitzsimons '189 do not explicitly teach, **automatically analyzing the data to decompose the predetermined layout of each page of newspaper**, however (Wyler '420 at page 14 paragraph [0360] through page 15 paragraph [0434], also see Fig. 12 through Fig. 16, discloses a general description of format block (item 120), to include a means of automatic detection for an appropriate style, wherein the exact style is desired, according to the number of webpages & Titles (e.g. Pamphlet- newspaper look) in an appropriate style. In addition, Wyler '420 discloses the smart page break mechanism to identify the need of insert a

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page break or insert entire new page as needed), **each page having a predetermined layout comprising a plurality of data blocks**, however (Wylar '420 at page 14 paragraph [0360] through page 15 paragraph [0434], also see Fig. 12 through Fig. 16, discloses a general description of format block (item 120), to include a means of automatic detection for an appropriate style, wherein the exact style is desired, according to the number of webpages & Titles (e.g. Pamphlet- newspaper look) in an appropriate style. In addition, Wylar '420 discloses the smart page break mechanism to identify the need of insert a page break or insert entire new page as needed), Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein automatically analyzing would have been an obvious variant of automatic detection for an appropriate style and the predetermined layout would have been an obvious variant of the exact style is desired to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the newspaper automatic publication method that taught in Ferrel '082, to include a means of converting each object to an internal publication format, said format identifying said internal structure and rendering said internal publication format to incorporate said objects, said logical relationships between objects, and respective internal structures in the final publication format of Fitzsimons '189, further to include a means of automatically analyzing the data to decompose the predetermined layout of each page of newspaper of Wylar '420. One of ordinary skill in the art would have been motivated to modify this combination to provide the advantages of online publication with an automatic synthesizer

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and prioritize content based on different consumer preferences and maximize time and human labor (as taught by Ferrel '082 at col. 1, lines 54-56 and col. 2, lines 50-55).

In regard to independent claim 19, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale;

(a) at least one source of newspaper data in a digital format (as taught by Ferrel '082 at col. 7, lines 60-67);

(b) a mark-up language distiller module for converting the data from said digital format to a mark-up language format (as taught by Ferrel '082 at col. 10, lines 20-35, still another object of the present invention is to provide an authoring Subsystem MPS (Multimedia Publishing System) that provides a pair of Document Editor converters for reading/writing MPML (Multimedia Publishing Markup Language) files, a template defining styles and macros used to create MPML files along with some OLE controls used to insert links and apply properties to these files),

wherein said mark-up language distiller module analyzes the newspaper data to decompose the newspaper data into said plurality of blocks (as taught by Ferrel '082 at col. 1, lines 54-55),

Ferrel '082 and Wyler '420 do not explicitly teach, **c) a publisher server for converting the data from said mark-up language format to a final publication format**, however (as taught by Fitzsimons '189 at col. 13, lines 10-15, still another aspect of the present invention is to provide In the software robot will make an EPS (image file) out of one of the layouts and export it to a folder on a file server. The software robot will also open an article and manipulate

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and convert it to a format (e.g. HTML, XML, etc.) based upon the attributes of and the business logic associated with a destination presentation space (e.g. internet, intranet, world wide web, etc.). The converted content can then be immediately posted to the destination presentation space). Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein converting the data from said mark-up language format to a final publication format would have been an obvious variant of the converted content can then be immediately posted to the destination presentation space to a person of ordinary skill in the art at the time the invention was made,

said final publication format incorporating said blocks with said structure and said logical relationships as objects, however (as taught by Fitzsimons '189 at col. 7, lines 32-62).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the newspaper automatic publication method that taught in Ferrel '082, to include a means of automatically analyzing the data to decompose the predetermined layout of each page of newspaper of Wyler '420, further to include a means of publish the final publication format from different format of different objects of Fitzsimons '189. One of ordinary skill in the art would have been motivated to modify this combination to provide the advantages of online publication with an automatic synthesize and prioritize content based on different consumer preferences and maximize time and human labor (as taught by Ferrel '082 at col. 1, lines 54-56 and col. 2, lines 50-55).

In regard to independent claim 23, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale;

Preparing a list of text and/or graphic elements for each object (as taught by Ferrel '082 at col. 236, lines 15-25); **determining properties of each element, including determining visibility** (as taught by Ferrel '082 at col. 36, line 25-67), **and overlap characteristics for each graphic element within said object** (as taught by Ferrel '082 at col. 38, lines 30-45). Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein determining visibility and overlap characteristics would have been an obvious variant of a graphic "float" to an appropriate point within the presentation resulting from the drag/ drop operation to a person of ordinary skill in the art at the time the invention was made.

In regard to independent claim 24, incorporate substantially similar subject matter as cited in claims 1 and 23 above, and is similarly rejected along the same rationale.

In regard to independent claim 25, incorporate substantially similar subject matter as cited in claims 1 and 24 above, and is similarly rejected along the same rationale.

In regard to dependent claims 2, 3, 4, 10 and 21, incorporate substantially similar subject matter as cited in claim 19 above, and are similarly rejected along the same rationale.

In regard to dependent claims 7 and 27- 28, incorporate substantially similar subject matter as cited in claims 1 and 24 above, and are similarly rejected along the same rationale.

In regard to dependent claims 8-9, 11 and 29, incorporate substantially similar subject matter as cited in claim 1 and are similarly rejected along the same rationale.

In regard to dependent claim 12, wherein said rendering said internal publication format is performed according to a type of hardware device for displaying the final publication format (as taught by Ferrel '082 at col. 62, lines 40-50).

In regard to dependent claims 13, wherein said rendering said internal publication format is performed only after a query from a specific hardware device is received (as taught by Ferrel '082 at col. 24, lines 25-35).

In regard to dependent claims 14-17, incorporate substantially similar subject matter as cited in claims 23-25 and are similarly rejected along the same rationale.

In regard to dependent claim 18, incorporate substantially similar subject matter as cited in claim 1 above, Examiner reads claim 1 limitation stated above, such as each block representing an objects, and said logical relationships of said data between said blocks, which are the broader interpretation of the claim 18 limitation, and are similarly rejected along the same rationale.

In regard to dependent claim 22, incorporate substantially similar subject matter as cited in claim 19 above, and further view of the following, and is similarly rejected along the same rationale;

(d) a repository for storing said plurality of objects, and an image of the data, (as taught by Ferrel '082 at col. 26, lines 30-50, Examiner reads he MPS Document Editor 188 will support saving documents in a format which conforms to the MPS DTD (MPML--Multimedia Publishing Markup Language), and provides a pair of Document Editor converters for reading/writing MPML files, a template defining styles and macros used to create MPML files along with some OLE controls used to insert links and apply properties to these files, which could interpreted as claimed).

In regard to dependent claim 26, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale;

Comprise at least one property selected from a group including multiple columns, titles, subtitles, images and image captions (as taught by Ferrel '082 at col. 8, lines 35-40).

In regard to dependent claim 30, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale;

Wherein said blocks rendered in said final publication format may be viewed in an order defined by the user (as taught by Ferrel '082 at col. 10, lines 5-15).

In regard to dependent claims 31 and 35-36, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale;

Wherein said data comprise new data and archive data, wherein said at least one source of data comprises a source of new data and new data (as taught by Ferrel '082 at col. 59, lines 5-15).

In regard to dependent claims 32, 33 and 37-38, incorporate substantially similar subject matter as cited in claims 1 and 19 above, and further view of the following, and are similarly rejected along the same rationale;

Wherein said source of archive data comprise content microfilm data, (as taught by Ferrel '082 at col. 7, lines 65-67, the MPS (Multimedia Publishing System) architecture maintains a clean separation between design information and the content to which that design

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will be applied, wherein The content takes the form of discrete objects, each of which compose one unit of information, e.g., a story or a picture. These content objects are of well-known and public data formats, and may be created using any tool that supports these data formats. Content objects generally do not have formatting information encoded within them). Examiner read the above in the broadest reasonable interpretation; wherein microfilm would have been an obvious variant of "Multimedia" (e.g. "Multimedia" is any type of media, wherein capable of transporting data/information), to a person of ordinary skill in the art at the time the invention was made.

In regard to dependent claim 34, incorporate substantially similar subject matter as cited in claims 1 above, and further view of the following, and is similarly rejected along the same rationale; **Graphic User Interface (GUI)** (as taught by Ferrel '082 at col. 33, lines 40-45).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R. Heather can be reached on (571) -272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
Patent Examiner
Technology Center 2176
October 11, 2005

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
10/12/2005